
SENATE BILL 5639

State of Washington

57th Legislature

2001 Regular Session

By Senators Prentice, Eide, McDonald, Haugen, Patterson and Horn; by request of Department of Licensing

Read first time 01/29/2001. Referred to Committee on Transportation.

1 AN ACT Relating to penalties for the misuse of abstracts of driving
2 records; amending RCW 46.52.130; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.52.130 and 1998 c 165 s 11 are each amended to read
5 as follows:

6 A certified abstract of the driving record shall be furnished only
7 to the individual named in the abstract, an employer or prospective
8 employer or an agent acting on behalf of an employer or prospective
9 employer, the insurance carrier that has insurance in effect covering
10 the employer or a prospective employer, the insurance carrier that has
11 insurance in effect covering the named individual, the insurance
12 carrier to which the named individual has applied, an alcohol/drug
13 assessment or treatment agency approved by the department of social and
14 health services, to which the named individual has applied or been
15 assigned for evaluation or treatment, or city and county prosecuting
16 attorneys. City attorneys and county prosecuting attorneys may provide
17 the driving record to alcohol/drug assessment or treatment agencies
18 approved by the department of social and health services to which the
19 named individual has applied or been assigned for evaluation or

1 treatment. The director, upon proper request, shall furnish a
2 certified abstract covering the period of not more than the last three
3 years to insurance companies. Upon proper request, the director shall
4 furnish a certified abstract covering a period of not more than the
5 last five years to state approved alcohol/drug assessment or treatment
6 agencies, except that the certified abstract shall also include records
7 of alcohol-related offenses as defined in RCW 46.01.260(2) covering a
8 period of not more than the last ten years. Upon proper request, a
9 certified abstract of the full driving record maintained by the
10 department shall be furnished to a city or county prosecuting attorney,
11 to the individual named in the abstract or to an employer or
12 prospective employer or an agent acting on behalf of an employer or
13 prospective employer of the named individual. The abstract, whenever
14 possible, shall include an enumeration of motor vehicle accidents in
15 which the person was driving; the total number of vehicles involved;
16 whether the vehicles were legally parked or moving; whether the
17 vehicles were occupied at the time of the accident; whether the
18 accident resulted in any fatality; any reported convictions,
19 forfeitures of bail, or findings that an infraction was committed based
20 upon a violation of any motor vehicle law; and the status of the
21 person's driving privilege in this state. The enumeration shall
22 include any reports of failure to appear in response to a traffic
23 citation or failure to respond to a notice of infraction served upon
24 the named individual by an arresting officer. Certified abstracts
25 furnished to prosecutors and alcohol/drug assessment or treatment
26 agencies shall also indicate whether a recorded violation is an
27 alcohol-related offense as defined in RCW 46.01.260(2) that was
28 originally charged as one of the alcohol-related offenses designated in
29 RCW 46.01.260(2)(b)(i).

30 The abstract provided to the insurance company shall exclude any
31 information, except that related to the commission of misdemeanors or
32 felonies by the individual, pertaining to law enforcement officers or
33 fire fighters as defined in RCW 41.26.030, or any officer of the
34 Washington state patrol, while driving official vehicles in the
35 performance of occupational duty. The abstract provided to the
36 insurance company shall include convictions for RCW 46.61.5249 and
37 46.61.525 except that the abstract shall report them only as negligent
38 driving without reference to whether they are for first or second
39 degree negligent driving. The abstract provided to the insurance

1 company shall exclude any deferred prosecution under RCW 10.05.060,
2 except that if a person is removed from a deferred prosecution under
3 RCW 10.05.090, the abstract shall show the deferred prosecution as well
4 as the removal.

5 The director shall collect for each abstract the sum of four
6 dollars and fifty cents which shall be deposited in the highway safety
7 fund.

8 Any insurance company or its agent receiving the certified abstract
9 shall use it exclusively for its own underwriting purposes and shall
10 not divulge any of the information contained in it to a third party.
11 No policy of insurance may be canceled, nonrenewed, denied, or have the
12 rate increased on the basis of such information unless the policyholder
13 was determined to be at fault. No insurance company or its agent for
14 underwriting purposes relating to the operation of commercial motor
15 vehicles may use any information contained in the abstract relative to
16 any person's operation of motor vehicles while not engaged in such
17 employment, nor may any insurance company or its agent for underwriting
18 purposes relating to the operation of noncommercial motor vehicles use
19 any information contained in the abstract relative to any person's
20 operation of commercial motor vehicles.

21 Any employer or prospective employer or an agent acting on behalf
22 of an employer or prospective employer receiving the certified abstract
23 shall use it exclusively for his or her own purpose to determine
24 whether the licensee should be permitted to operate a commercial
25 vehicle or school bus upon the public highways of this state and shall
26 not divulge any information contained in it to a third party.

27 Any alcohol/drug assessment or treatment agency approved by the
28 department of social and health services receiving the certified
29 abstract shall use it exclusively for the purpose of assisting its
30 employees in making a determination as to what level of treatment, if
31 any, is appropriate. The agency, or any of its employees, shall not
32 divulge any information contained in the abstract to a third party.

33 Release of a certified abstract of the driving record of an
34 employee or prospective employee requires a statement signed by: (1)
35 The employee or prospective employee that authorizes the release of the
36 record, and (2) the employer attesting that the information is
37 necessary to determine whether the licensee should be employed to
38 operate a commercial vehicle or school bus upon the public highways of
39 this state. If the employer or prospective employer authorizes an

1 agent to obtain this information on their behalf, this must be noted in
2 the statement.
3 Any violation of this section is a (~~gross misdemeanor~~) class C
4 felony.

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